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Laura A. Sykora  
Manager Regulatory Affairs - VA/TN

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Sprint Corporation  
NCWKFB0203  
1411 Capital Boulevard  
Wake Forest, NC 27587-5900  
Voice 919 554 7323  
Fax 919 554 7595  
laura.sykora@mail.sprint.com

October 18, 2004

Chairman Pat Miller  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

RE: Rulemaking for the Purpose of Implementing Toll-Free  
County Wide Calling Rules  
Docket No. 04-00205

Dear Chairman Miller:

Attached are Comments of United Telephone-Southeast, Inc. and Sprint Communications Company L.P. regarding the Tennessee Regulatory Authority's Proposed Rule Chapter 1220-4-12, Telecommunications Rule Implementing Toll-Free County Wide Calling.

If you have questions, please contact me at 919-554-7323 or Kaye Odum at 919-554-5277.

Sincerely,

Laura A. Sykora

Attachments

C: Kaye Odum

BEFORE THE  
TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

IN RE: )  
 )  
RULEMAKING FOR THE PURPOSE OF ) DOCKET NO. 04-00205  
IMPLEMENTING TOLL-FREE )  
COUNTY-WIDE CALLING RULES )

COMMENTS OF UNITED TELEPHONE – SOUTHEAST, INC. &  
SPRINT COMMUNICATIONS COMPANY, L.P.

The above named companies (hereinafter “Sprint”) have reviewed the Tennessee Regulatory Authority’s (“TRA”) proposed Rule Chapter 1220-4-12, Telecommunications Rule Implementing Toll-Free County Wide Calling, in the “Notice of Rulemaking Hearing” released in this docket on September 3, 2004. Sprint comments herein on the TRA’s proposed rule.

Definitions, 1220-4-12-.01 (11). The definition of “TAR” should be clarified such that Paragraph (11) reads:

“TAR” shall mean Tax Area Rate **information** that identifies the county **in which a wireline carrier’s telephone number is physically assigned.**”

Scope and Purpose of Rule, 1220-4-12-.02 (1) and (2). Sprint recommends the specific language in Tenn. Code Ann. §65-21-114 be included in this section such that Paragraph (1) reads:

“It is established that there is a public interest need that **any telephone call made between two (2) points in the same county in Tennessee shall be classified as toll-free and shall not be billed to any customer.** This public interest need

mandates that all telecommunications service providers including but not limited to ILECs, CLECs, IXC's, Resellers and Telephone Cooperatives **classify such toll calls as toll-free when** transported over landline facilities."

This suggested change appropriately identifies calls that originate and terminate within the same county that would otherwise be toll and uses terms consistent with the governing statute.

For certain types of service it is not possible to identify the location of the originating and terminating number in the billing system. As such, all current exemptions itemized in United Telephone-Southeast, Inc.'s General Subscriber Services Tariff, Section U3.4.4, should be listed in the Rule. Paragraph (2) would then read:

"This Chapter is not applicable to county-wide calls from wireless telephone service providers (cellular and paging service), payphone line service, **Outward Wide Area Telecommunications Service (WATS) and 800-type service, quoted charges, foreign exchange, or in conjunction with Call Forwarding-Automatic.**"

Because the provision of County Wide Calling occurs in the billing system, these exemptions have been in place since the initial implementation due to an inherent inability to identify the physical location of the originating and terminating numbers associated with these services.

Methodological Requirements, 1220-4-12- 03. To ensure that no customer is billed toll for county-wide calls, the telecommunications service provider needs to use current information provided from the combined TAR database. To more accurately reflect the process, the second sentence in Paragraph (1) should read:

"Prior to billing a customer toll charges in Tennessee all telecommunication service providers shall **use current information** from the TAR database to ensure that the calling customer is not billed toll charges for any telephone call that originates and terminates within the same county."

Database Administration, 1220-4-12-.04(2) and (4). Consistent with the suggested clarification made in reference to the definition of "TAR," Sprint recommends that Paragraph (2) be amended to read:

"Information required by the database administrator from telecommunications service provider shall be limited to data necessary to determine the county in which the **wireline carrier's telephone numbers are physically assigned.**"

To further clarify the process and to allow sufficient time for compliance, Paragraph (4) should read:

"Within thirty (30) days of the effective date of these rules the **TAR** database administrator shall **make available** to all telecommunication service providers operational guidelines for the administration of the database. Telecommunications service providers shall have **ninety (90) days** from the date of publication of the operational guidelines to comply with the guidelines."

Access Charges Prohibited, 1220-4-12-.05. The proposed Rule prohibits the billing of access charges which involves costs not incurred in the present procedure of crediting appropriately documented requests, with an opportunity for the crediting company to audit such requests [Reference United Telephone-Southeast, Inc. Access Tariff, Section 2.3.14(A)]. Prohibiting the billing of access charges would involve programming costs not yet considered in the County Wide Calling dockets. Sprint supports the current procedure of providing access charge credit to carriers upon request for intra-county calls not billed to their end users. If, however, the Authority determines that access charges should not be billed for intra-county calls, the programming and other costs associated with this change must be considered and appropriate compensation given to telecommunications service providers for the costs incurred.